IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

::::

O R D E R

Jugat Singh
vs.
Range Forest Officer & Ors.

S.B. CIVIL WRIT PETITION NO.3259/2003 UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER :: 22nd December, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Hemant Dutt, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy. Govt. Advocate.

BY THE COURT

The petitioner has challenged the award dated 29th October, 2002 whereby the learned labour court has held his removal from service on 28th February, 1994 as legal and valid and further held that he was not entitled to any relief. Learned

labour court on consideration of the facts of case has held that the petitioner did not work for 240 days in a calender year immediately preceding the date of retrenchment. In the terms of reference the date of removal of the petitioner was 28th February, 1994. The learned labour court on consideration of the evidence found that while the petitioner worked only for 50 days in the year 1994 he did not at all work in any of the years 1991, 1992 and 1993 whereas his work during the year 1990 was confined to just 25 days, during 1989 for just 111 days and during the year 1998 for just 39 days. It further found that the he did not work for a single day during the year 1986-1987 though he worked only 185 days in the year 1985. It was only in relation to the year 1984 that the petitioner worked for 274 days.

Having heard learned counsel for the parties and considered the material available on record, I am satisfied that the award passed by the learned labour court does not suffer any error on the face of record. Whether or not the petitioner worked for 240 days with the management was required to be

proved by the workman and he has failed to prove that he actually worked for 240 days in the calender year immediately preceding to the date of retrenchment.

I therefore do not find any illegality in the award passed by the learned labour court. The writ petition is accordingly dismissed with no order as to costs.

[MOHAMMAD RAFIQ],J.

AKC